

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SANTO DOMINGO IMMEDIATE

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E.O. 11652: N/A

TAGS: SHUM, DR

SUBJECT: HUMAN RIGHTS REPORT - DRAFT

, FOLLOWING IS DRAFT OF UNCLASSIFIED VERSION OF  
HUMAN RIGHTS REPORT THAT MUST BE SUBMITTED TO CONGRESS  
BY JANUARY 31. IT HAS BEEN CLEARED THROUGHOUT THE  
DEPARTMENT. REQUEST EMBASSY COMMENTS ON THIS DRAFT  
ASAP, BUT NO LATER THAN COB WEDNESDAY, JANUARY 25.

2. THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY,  
WITH AN ELECTED PRESIDENT, A BICAMERAL LEGISLATURE, AND  
AN INDEPENDENT JUDICIARY. THE CURRENT GOVERNMENT IS  
HEADED BY PRESIDENT JOAQUIN BALAGUER, NOW IN HIS THIRD  
FOUR-YEAR TERM OF OFFICE. IN THE LATER 1960S AND EARLY  
1970S INSURGENCY ATTEMPTS, KIDNAPPINGS, ASSASSINATIONS,  
AND MILITARY AND POLICE REPRESSION LED TO MANY HUMAN  
RIGHTS VIOLATIONS. SUCH INCIDENTS HAVE DIMINISHED  
GREATLY IN THE PAST FEW YEARS. THE DOMINICAN GOVERN-  
MENT HAS OFFICIALLY PROMOTED A NUMBER OF HUMAN RIGHTS  
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PAGE 02 STATE 019872

IMPROVEMENTS. OVER A DOZEN POLITICAL PARTIES ARE

OFFICIALLY RECOGNIZED AND FREELY ACTIVE, ALTHOUGH  
THE 1974 ELECTIONS WERE MARRED BY INCIDENTS OF  
MILITARY INTERVENTION ON BEHALF OF THE PRESIDENT'S  
RE-ELECTION.

3. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING  
FREEDOM FROM:

A. TORTURE

ALTHOUGH COMMON UNDER THE TRUJILLO REGIME (1930-1961),  
TORTURE DOES NOT APPEAR TO BE PRACTICED NOW.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PHYSICAL ABUSE OF PRISONERS OCCURS IN THE DOMINICAN  
REPUBLIC, BUT APPEARS TO HAVE DECREASED. PRISONERS  
OR THEIR FAMILIES OCCASIONALLY COMPLAIN OF SEVERE  
BEATINGS BY PRISON GUARDS AND DEGRADING CONDITIONS.  
WHEN SUCH COMPLAINTS COME TO PUBLIC ATTENTION, OFTEN  
THROUGH THE PRESS, THE GOVERNMENT HAS RESPONDED TO  
AMELIORATE CONDITIONS SOMEWHAT. IMPROPER ACTIONS OR  
ABUSE OF POWER BY POLICE OFFICERS ARE NORMALLY  
INVESTIGATED, AND NUMEROUS POLICEMEN HAVE BEEN DISMISSED  
FOR CAUSE. HOWEVER, PRISONER DISCONTENT OVER CONDITIONS  
LED TO DISTURBANCES IN LA VICTORIA PRISON IN OCTOBER  
1977. IN FEBRUARY 1977, THE GOVERNMENT ANNOUNCED PLANS  
TO CONSTRUCT SEVERAL NEW PRISONS.

C. ARBITRARY ARREST OR IMPRISONMENT

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PAGE 03 STATE 019872

OPPOSITION LEADERS HAVE SOMETIMES BEEN ARRESTED AND  
HELD FOR SEVERAL WEEKS OR MONTHS AND THEN RELEASED.  
CHARGES ARE USUALLY FILED PROMPTLY, HOWEVER. THE NAPOLE-  
ANIC CODE, ON WHICH DOMINICAN LAW IS BASED, GIVES  
GREATER AUTHORITY TO THE STATE THAN DOES THE COMMON  
LAW SYSTEM TO ARREST AND HOLD INDIVIDUALS SUSPECTED  
OF CRIMINAL VIOLATIONS. THE AMNESTY INTERNATIONAL  
REPORT 1977 STATED THAT THE TOTAL NUMBER OF POLITICAL  
PRISONERS HAS BEEN REDUCED FROM SEVERAL HUNDRED IN  
THE EARLY 1970S TO AN ESTIMATED "FEW DOZEN" IN 1977.  
MANY, OR MOST, OF THESE POLITICAL PRISONERS WERE  
CONVICTED OF POLITICALLY-MOTIVATED CRIMES OF VIOLENCE,  
INCLUDING KIDNAPPING AND MURDER. THE AMNESTY REPORT  
ALSO REFERRED TO CONTINUED VIOLATIONS OF HUMAN RIGHTS  
INCLUDING ARBITRARY ARREST.

D. DENIAL OF FAIR PUBLIC TRIAL

LAWS PROVIDING FOR FAIR PUBLIC TRIALS ARE GENERALLY  
RESPECTED. TRIALS OF PERSONS ACCUSED OF POLITICALLY  
MOTIVATED VIOLENCE, WHILE PUBLIC, SOMETIMES DRAG ON  
FOR MONTHS OR YEARS.

E. INVASION OF THE HOME

THE LEGAL SAFEGUARDS AGAINST ARBITRARY INVASION OF THE HOME ARE USUALLY, BUT NOT ALWAYS, OBSERVED.

4. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

DOMINICAN GOVERNMENT DEVELOPMENT PROGRAMS GIVE HIGH PRIORITY TO AGRICULTURAL PRODUCTION THROUGH CREDITS, TRAINING AND TECHNICAL ASSISTANCE TO SMALL FARMERS. THE GOVERNMENT MAINTAINS A NETWORK OF "ECONOMY DINING LIMITED OFFICIAL USE

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PAGE 04 STATE 019872

HALLS" AND LOCAL CHARITIES OPERATE UNDER OFFICIAL AUSPICES. THE GOVERNMENT OPERATES HOSPITALS, MATERNITY HOMES, AND MENTAL ASYLUM. REVISION OF BASIC SOCIAL SECURITY AND HEALTH INSURANCE LEGISLATION IS CURRENTLY UNDER STUDY. THE GOVERNMENT HAS CONSTRUCTED EXTENSIVE URBAN HOUSING FOR WORKING CLASS FAMILIES. PRIMARY EDUCATION IS OBLIGATORY BETWEEN THE AGES OF 7 AND 14. THE GOVERNMENT MAINTAINS OVER 4,700 PRIMARY SCHOOLS ATTENDED BY ABOUT 1 MILLION YOUTH. REFORM OF THE PRIMARY EDUCATION SYSTEM IS CURRENTLY UNDER STUDY. THE ABOVE PROGRAMS ARE SUBJECT TO BUDGETARY RESTRAINTS WHICH LIMIT ACTUAL BENEFITS.

CORRUPTION IN THE DOMINICAN REPUBLIC IS TRADITIONAL AND DOES NOT APPEAR TO HAVE DIMINISHED IN RECENT TIMES. PUBLIC AND SEMI-PUBLIC ENTITIES, WHICH CONTROL A SIGNIFICANT SECTOR OF THE ECONOMY, ARE NOTORIOUS FOR THEIR USE OF POLITICAL FAVORITISM IN HIRING AND GRANTING CONTRACTS. THE EXTENT TO WHICH THIS PROBLEM HAS DIVERTED RESOURCES FROM THE POOR HAS NOT BEEN DOCUMENTED, ALTHOUGH THERE HAS UNDOUBTEDLY BEEN SOME DIVERSION.

5. RESPECT FOR CIVIL AND POLITICAL LIBERTIES INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY

AT PRESENT 14 POLITICAL PARTIES ARE OFFICIALLY RECOGNIZED. PRO-TRUJILLO PARTIES ARE ILLEGAL, BUT THE DOMINICAN COMMUNIST PARTY WAS LEGALIZED BY LEGISLATION ENACTED IN NOVEMBER 1977.

6. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL LIMITED OFFICIAL USE

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PAGE 05 STATE 019872

AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS  
OF HUMAN RIGHTS

IN APRIL 1977, PRESIDENT BALAGUER AGREED TO A VISIT  
PROPOSED BY AMNESTY INTERNATIONAL. SUBSEQUENTLY, HOWEVER,  
HE SUGGESTED THAT THE VISIT BE CONDUCTED BY A THIRD-PARTY  
OBSERVER. THUS FAR SUCH A VISIT HAS NOT TAKEN PLACE.

THE GENERALLY CRITICAL AMNESTY INTERNATIONAL REPORT 1977  
QUOTED PRESIDENT BALAGUER'S APRIL, 1977 LETTER TO  
AMNESTY'S SECRETARY GENERAL, ADMITTING THAT "DOMINICAN  
JUSTICE, LIKE THAT OF MOST OF OUR COUNTRIES, SUFFERS FROM  
MANY FAULTS ... 'THE PRESIDENT'S LETTER ASSERTED THAT  
ADEQUATE FACILITIES FOR PRISONER RE-EDUCATION WERE  
LACKING. HE ALSO ADMITTED THAT THERE ARE SOMETIMES  
REGRETTABLE DELAYS IN THE HEARING OF "JUDICIAL TRIALS,"  
BUT HE CLAIMED THAT THESE WERE NOT DUE TO REASONS OF A  
POLITICAL NATURE BUT RATHER TO THE COURT WORK LOAD AND  
'TO THE FACT THAT THE PUBLIC AUTHORITIES FIND IT  
IMPOSSIBLE TO STOP SPURIOUS INTEREST WHICH OFTEN INTER-  
FERE IN THE HEALTHY ADMINISTRATION OF JUSTICE.

THE DOMINICAN REPUBLIC SIGNED THE AMERICAN CONVENTION  
ON HUMAN RIGHTS IN SEPTEMBER 1977.

7. THIS IS NOT THE 'FINAL APPROVED TEXT' MENTIONED  
REFTEL AND IS SUBMITTED FOR POST COMMENT ONLY. IT  
SHOULD NOT BE PROVIDED TO THE HOST GOVERNMENT. FINAL  
VERSION WILL BE SUBMITTED TO THE EMBASSY AFTER  
RECEIVING EMBASSY'S COMMENTS ON DRAFT. VANCE

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## Message Attributes

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